

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK TATE,

Plaintiff,

v.

A. LOMELI, et al.,

Defendants.

No. 2:22-cv-01012-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION FOR INJUNCTIVE RELIEF

(Doc. Nos. 3, 9)

Plaintiff Derek Tate is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 1, 2022, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for injunctive relief, specifically, enjoining defendants from transferring him to a California State Prison - Sacramento, be denied. (Doc. No. 9.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. On July 11, 2022, plaintiff timely filed objections to the pending findings and recommendations (Doc. No. 12), and on July 13, 2022, plaintiff filed a supplement to his objections. (Doc. No. 13.)

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1 In his objections, plaintiff does not meaningfully address the analysis in the pending  
2 findings and recommendations. In addition, he states that he has already been transferred to  
3 California State Prison - Sacramento, and thus, it appears to the court that his request for  
4 injunctive relief has been rendered moot.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has  
6 conducted a *de novo* review of the case. Having carefully reviewed the entire file, including  
7 plaintiff's objections, the undersigned concludes that the findings and recommendations are  
8 supported by the record and proper analysis.

9 Accordingly:

- 10 1. The findings and recommendations issued on July 1, 2022 (Doc. No. 9) are  
11 adopted in full;
- 12 2. Plaintiff's motion for injunctive relief (Doc. No. 3) is denied; and
- 13 3. This matter is referred back to the assigned magistrate judge for proceedings  
14 consistent with this order.

15 IT IS SO ORDERED.

16 Dated: October 6, 2022

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UNITED STATES DISTRICT JUDGE